



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,791	08/29/2003	James McSwiggen	03-332-B (400.126)	3409
20306	7590	08/25/2006	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606			CHONG, KIMBERLY	
			ART UNIT	PAPER NUMBER
				1635

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice to Comply**

***CRF Sequence Listing***

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below or on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

In the instant case, Applicants have submitted a substitute CRF copy of the sequence listing in the reply filed on 05/24/2006; however, the Office's STIC Biotechnology Systems Branch is unable to process the substitute CRF for the reasons given on the attached Raw Sequence Listing Error Report. Further, the Examiner is unable to search and examine the claims of the instant application, specifically with regard to SEQ ID NO. 225, because SEQ ID NO. 225 has not been submitted.

Applicants are requested to resubmit the sequence listing in corrected form along with the necessary papers and statements.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory

Art Unit: 1635

period. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Chong whose telephone number is 571-272-3111. The examiner can normally be reached Monday thru Friday between 7-4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras can be reached at 571-272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Kimberly Chong  
Examiner  
Art Unit 1635

SEAN MCGARRY  
PRIMARY EXAMINER  
1635

<b>Notice to Comply</b>	Application No. 10/652,791	Applicant(s) <b>McSwiggen et al.</b>
	Examiner Chong	Art Unit 1635
<b>NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES</b>		
<p>Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).</p> <p>The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).</li> <li><input type="checkbox"/> 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).</li> <li><input type="checkbox"/> 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).</li> <li><input checked="" type="checkbox"/> 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."</li> <li><input type="checkbox"/> 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).</li> <li><input type="checkbox"/> 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).</li> <li><input checked="" type="checkbox"/> 7. Other: Claim 36 recites SEQ ID NO. 225 however the application does not contain a sequence listing as required above.</li> </ul> <p><b>Applicant Must Provide:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".</li> <li><input checked="" type="checkbox"/> An initial or substitute paper copy of the "Sequence Listing", <b>as well as an amendment specifically directing its entry into the specification.</b></li> <li><input checked="" type="checkbox"/> A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).</li> </ul> <p>For questions regarding compliance to these requirements, please contact:</p> <p>For Rules Interpretation, call (571) 272-2510    For CRF Submission Help, call (571) 272-2501/2583.    PatentIn Software Program Support        Technical Assistance.....703-287-0200        To Purchase PatentIn Software.....703-306-2600</p> <p><b>PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY</b></p>		

## **STIC Biotechnology Systems Branch**

### **RAW SEQUENCE LISTING ERROR REPORT**

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/652,791A  
Source: IFW16  
Date Processed by STIC: 5/24/06

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.4.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):  
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/10/06



IFW16

**RAW SEQUENCE LISTING** DATE: 05/24/2006  
 PATENT APPLICATION: US/10/652,791A TIME: 09:53:50

Input Set : F:\03-332-B 400 126 Sequence Listing .txt  
 Output Set: N:\CRF4\05242006\J652791A.raw

```

3 <110> APPLICANT: Sirna Therapeutics, Inc.
4   McSwiggen, James
5   Chowrira, Bharat
7 <120> TITLE OF INVENTION: RNA Interference Mediated Inhibition of Platelet-Derived
8   Endothelial Cell Growth Factor (ECGF1) Gene Expression Using
9   Short Interfering Nucleic Acid (siNA)
11 <130> FILE REFERENCE: 400/126 (MBHB 03-332-B)
13 <140> CURRENT APPLICATION NUMBER: US 10/652,791A
14 <141> CURRENT FILING DATE: 2003-08-29
16 <150> PRIOR APPLICATION NUMBER: US 10/422,704
17 <151> PRIOR FILING DATE: 2003-04-24
19 <150> PRIOR APPLICATION NUMBER: US 10/417,012
20 <151> PRIOR FILING DATE: 2003-04-16
22 <150> PRIOR APPLICATION NUMBER: PCT/US 03/05346
23 <151> PRIOR FILING DATE: 2003-02-20
25 <150> PRIOR APPLICATION NUMBER: PCT/US 03/05028
26 <151> PRIOR FILING DATE: 2003-02-20
28 <150> PRIOR APPLICATION NUMBER: US 60/358,580
29 <151> PRIOR FILING DATE: 2002-02-20
31 <150> PRIOR APPLICATION NUMBER: US 60/363,124
32 <151> PRIOR FILING DATE: 2002-03-11
34 <150> PRIOR APPLICATION NUMBER: US 60/386,782
35 <151> PRIOR FILING DATE: 2002-06-06
37 <150> PRIOR APPLICATION NUMBER: US 60/406,784
38 <151> PRIOR FILING DATE: 2002-08-29
40 <150> PRIOR APPLICATION NUMBER: US 60/408,378
41 <151> PRIOR FILING DATE: 2002-09-05
43 <150> PRIOR APPLICATION NUMBER: US 60/409,293
44 <151> PRIOR FILING DATE: 2002-09-09
46 <150> PRIOR APPLICATION NUMBER: US 60/440,129
47 <151> PRIOR FILING DATE: 2003-01-15
49 <160> NUMBER OF SEQ ID NOS: 225
51 <170> SOFTWARE: PatentIn version 3.2
53 <210> SEQ ID NO: 1
54 <211> LENGTH: 19
55 <212> TYPE: RNA
56 <213> ORGANISM: Artificial Sequence
58 <220> FEATURE:
59 <223> OTHER INFORMATION: Description of Artificial Sequence: Target Sequence/siNA
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61 <400> SEQUENCE: 1
62 cccgccccggcgcg gcaaguggac
65 <210> SEQ ID NO: 2
66 <211> LENGTH: 19
  
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10-12  
JW

**Does Not Comply  
Corrected Diskette Needed**

19

RAW SEQUENCE LISTING DATE: 05/24/2006  
 PATENT APPLICATION: US/10/652,791A TIME: 09:53:50

Input Set : F:\03-332-B 400 126 Sequence Listing .txt  
 Output Set: N:\CRF4\05242006\J652791A.raw

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74 cgcugugcgcg cgaaccug 19
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86 gaacccuacg gucccgacc 19
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98 cgcgggcga ggccggua 19
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113 <210> SEQ ID NO: 6
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122 agcaagcgaa cgaggccag 19
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133 <400> SEQUENCE: 7
134 gcgcuccuaag caggccccgg 19
137 <210> SEQ ID NO: 8

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138 <211> LENGTH: 19  
139 <212> TYPE: RNA

## RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/652,791A

DATE: 05/24/2006

TIME: 09:53:50

Input Set : F:\03-332-B 400 126 Sequence Listing .txt  
Output Set: N:\CRF4\05242006\J652791A.raw

140 <213> ORGANISM: Artificial Sequence  
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146 gagcgauggc agccuugau 19  
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154 <220> FEATURE:  
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173 <210> SEQ ID NO: 11  
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175 <212> TYPE: RNA  
176 <213> ORGANISM: Artificial Sequence  
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200 <213> ORGANISM: Artificial Sequence  
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209 <210> SEQ ID NO: 14  
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211 <212> TYPE: RNA  
212 <213> ORGANISM: Artificial Sequence

## RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/652,791A

DATE: 05/24/2006

TIME: 09:53:50

Input Set : F:\03-332-B 400 126 Sequence Listing .txt  
Output Set: N:\CRF4\05242006\J652791A.raw

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226 <220> FEATURE:  
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230 gcaugaagcg agacggagg 19  
233 <210> SEQ ID NO: 16  
234 <211> LENGTH: 19  
235 <212> TYPE: RNA  
236 <213> ORGANISM: Artificial Sequence  
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246 <211> LENGTH: 19  
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269 <210> SEQ ID NO: 19  
270 <211> LENGTH: 19  
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272 <213> ORGANISM: Artificial Sequence  
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281 <210> SEQ ID NO: 20  
282 <211> LENGTH: 19  
283 <212> TYPE: RNA

284 <213> ORGANISM: Artificial Sequence  
286 <220> FEATURE:

## RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/652,791A

DATE: 05/24/2006

TIME: 09:53:50

Input Set : F:\03-332-B 400 126 Sequence Listing .txt  
Output Set: N:\CRF4\05242006\J652791A.raw

287 <223> OTHER INFORMATION: Description of Artificial Sequence: Target Sequence/siNA  
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290 ucggggccau gcugauaggc 19  
293 <210> SEQ ID NO: 21  
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295 <212> TYPE: RNA  
296 <213> ORGANISM: Artificial Sequence  
298 <220> FEATURE:  
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302 ccauccgacu ucggggcau  
305 <210> SEQ ID NO: 22  
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314 uggaucugga ggagaccuc  
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322 <220> FEATURE:  
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326 cggugcugac ccagggccu  
329 <210> SEQ ID NO: 24  
330 <211> LENGTH: 19  
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332 <213> ORGANISM: Artificial Sequence  
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338 uggcucaguc gggacagca  
341 <210> SEQ ID NO: 25  
342 <211> LENGTH: 19  
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344 <213> ORGANISM: Artificial Sequence  
346 <220> FEATURE:  
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350 agcuggagug gccagaggc  
353 <210> SEQ ID NO: 26  
354 <211> LENGTH: 19  
355 <212> TYPE: RNA  
356 <213> ORGANISM: Artificial Sequence

358 <220> FEATURE:  
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sense region

10/652, 791A

10

<210> 183  
<211> 21  
<212> RNA  
<213> Artificial Sequence

<220>

<223> Description of Artificial Sequence: siNA sense region

<220>  
<221> misc\_feature  
<222> (20)..(21)  
<223> n stands for thymidine

<400> 183

accuuuggaua agcuggagun n

t's not allowed in an RNA  
sequence, even if represented  
by "N"

21

For a combined DNA/RNA sequence,  
use <2127 DNA and explain  
in <2207-<2237 section

The above error appears in subsequent  
sequences

RAW SEQUENCE LISTING ERROR SUMMARY                    DATE: 05/24/2006  
PATENT APPLICATION: US/10/652,791A                    TIME: 09:53:51

Input Set : F:\03-332-B 400 126 Sequence Listing .txt  
Output Set: N:\CRF4\05242006\J652791A.raw

Please Note:

Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.

Seq#:183; N Pos. 20,21  
Seq#:184; N Pos. 20,21  
Seq#:185; N Pos. 20,21  
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Seq#:187; N Pos. 20,21  
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Seq#:206; N Pos. 20,21  
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Seq#:209; N Pos. 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21  
Seq#:210; N Pos. 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21  
Seq#:211; N Pos. 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21  
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Seq#:213; N Pos. 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21  
Seq#:214; N Pos. 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21  
Seq#:215; N Pos. 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21  
Seq#:216; N Pos. 20,21  
Seq#:217; N Pos. 20,21  
Seq#:218; N Pos. 20,21  
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Seq#:220; N Pos. 20,21  
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Seq#:223; N Pos. 20,21  
Seq#:224; N Pos. 20,21

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RAW SEQUENCE LISTING ERROR SUMMARY            DATE: 05/24/2006  
PATENT APPLICATION: US/10/652,791A            TIME: 09:53:51

Input Set : F:\03-332-B 400 126 Sequence Listing .txt  
Output Set: N:\CRF4\05242006\J652791A.raw

Invalid Line Length:

The rules require that a line not exceed 72 characters in length. This includes spaces.

Seq#:209; Line(s) 3359  
Seq#:210; Line(s) 3381  
Seq#:211; Line(s) 3413  
Seq#:212; Line(s) 3445  
Seq#:213; Line(s) 3477  
Seq#:214; Line(s) 3510  
Seq#:215; Line(s) 3542